

REMARKS

The present amendment is in response to the Office Action dated June 12, 2007. Claims 1, 4-14, 16-18, and 24 are now present in this case. Claims 1, 4-8, 10, 12, 14, and 16-18 are amended.

The Examiner will kindly note that representation in this matter has been transferred to another attorney. A revocation/substitute power of attorney is enclosed herewith.

Rejection of Claims 1, 4, 6, 7, 10, 12-14, 16, 18, and 24 based on Caldwell

Claims 1, 4, 6, 7, 10, 12-14, 16, 18, and 24 stand rejected under 35 U.S.C. § 103(a) as being rendered obvious by U.S. Patent No. 5,644,624 issued to Caldwell. Caldwell teaches a system having “two basic phases: (a) storing information relating to unsuccessful telephone call attempts, and (b) automatic call retries of the stored telephone numbers.” Col. 3, Ins. 24-27. As illustrated in Figures 1 and 4, the Caldwell system includes a telephone connected to a dedicated control box 104. The control box 104 is described as being connected to a single telephone 102 (by line 106) and stores a single calls pending queue. The control box 104 does not function as a server configured to connect to multiple wireless communication devices and to store a call queue associated with each wireless communication device.

The functionality of the Caldwell system is depicted in Figures 2-3. Turning to Figure 2, if a user of the system is unsuccessful at placing a call, in block 210, he/she may simply press “a designated key on the telephone keypad and hanging up the telephone.” Col. 4, Ins. 43-45. “Pressing a designated key activates control box 104 which stores telephone call data 212 which data typically includes the telephone number called, the date, the time, a personal or standard message, and the desired time period between retries of the call.” Col. 4, Ins. 47-51 (emphasis added). In other words, the system allows the user to record a message to be sent automatically to the intended recipient of the call. At a subsequent time, the system automatically places a call to the number stored and plays the message to whoever answers the call. Col. 7, Ins. 21-24. The system does not detect whether the answerer of the call was the

intended recipient thereof. Further, the system does not dial the numbers in the queue for the purposes of initiating a live two-way communication between the user of the telephone 102 and the answerer of the call.

In summary, the Caldwell system differs from the technology of the present application in at least two significant respects. First, the Caldwell system lacks plurality of call queues stored on a server, each call queue being associated with a call queue identifier associating the call queue with a particular wireless communication device. Second, the Caldwell system lacks the ability to initiate a live two-way communication by dialing a number stored in a queue.

Amended claim 1 recites a queue dial function configured to direct the processor to send the call queue identifier to the server, the server being configured to use the call queue identifier to locate the associated outgoing call queue from among the plurality of outgoing call queues. As discussed above, Caldwell discloses a control box coupled to a single telephone, and does not teach or suggest a server. Further, the control box of Caldwell does not store multiple call queues. Modifying the dedicated control box to function as a server coupled to multiple wireless communication devices, storing a plurality of outgoing call queues, and capable of locating an outgoing call queue associated with a particular wireless communication device based on a call queue identifier sent to the server by the processor of the wireless phone would require far more than insubstantial changes to the Caldwell system. Therefore, Caldwell fails to render obvious the invention of claim 1. Dependant claims 4 and 16 depend from claim 1 and are patentable over Caldwell for at least the reasons claim 1 is patentable over Caldwell.

Amended claim 6 recites a queue selection function configured to receive the call queue identifier from the wireless device and use the call queue identifier to locate a call queue associated with the wireless device from among the plurality call queues. As discussed above, Caldwell does not disclose a plurality of queues. Therefore, Caldwell has no need for a queue selection function. For this and other reasons, Caldwell fails to render the invention of claim 6 obvious.

Claims 7, 10, 12-14 depend from claim 6 and are patentable over Caldwell for at least the same reasons claim 6 is patentable over Caldwell. Claims 7-14 include

additional claim elements that distinguish these claims substantially from the teachings of Caldwell. For example, claim 7 recites a user database comprising the plurality of call queues. Caldwell discloses only a single queue as part of its parameter storage 422. Interestingly, the reference does disclose the parameter storage. Col. 4, Ins. 6-7.

Amended claims 18 and 24 recite locating a call queue from among a plurality of call queues using a queue identifier and initiating a live communication between a user of the wireless communication device and a user of a device associated with the first number of the located call queue. As discussed repeatedly above, Caldwell does not disclose a plurality of call queues. Further, Caldwell discloses calling a number stored in the queue, when the user is not using the telephone (by detecting the receiver is on the hook) and playing a recorded message to whomever answers the telephone. In other words, Caldwell discloses a one-way communication in which the recipient merely listens to a recording. Therefore, Caldwell does not disclose initiating a live two-way communication between a user of the wireless communication device and a user of a device associated with the first number of the located call queue.

The invention recited by claim 18 allows for automatic hands free dialing of one or more telephone numbers by merely operating the queue dial function of the wireless communication device. Once a number is automatically dialed, the user speaks with the answerer, thereby ensuring the message was received by the correct party. The invention of claim 18 also allows for an interactive conversation between the user of the wireless device and the call's recipient, an aspect not envisioned by Caldwell. The invention of claim 18 also avoids sending an unsolicited recorded message to an unsuspecting recipient who may not respond as favorably to a recording as he/she might to a live communication.

Rejection of Claim 5 based on Caldwell and Taylor et al.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Caldwell combined with U.S. Patent No. 6,034,687 issued to Taylor et al. Claim 5 depends from claim 1. Taylor et al. does not disclose any of the elements of claim 1 discussed above as lacking from Caldwell. Instead, Taylor et al. discloses a telephone/answering machine ("TAM") implemented on a computer that simulates a

speakerphone and answering machine. The TAM does not implement an outgoing call queue. Instead, an address book and speed dial are disclosed. The reference lacks any teaching with respect to a queue dial function configured to direct the processor to send a call queue identifier to a server, the server being configured to use the call queue identifier to locate the associated outgoing call queue from among the plurality of outgoing call queues. Therefore, neither Caldwell, Taylor et al., nor a combination thereof will yield the invention of claims 8-9.

Rejection of Claims 8 and 9 based on Caldwell and Widegren et al.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as unpatentable Caldwell combined with U.S. Patent No. 5,890,064 to Widegren et al. Claims 8 and 9 depend from claim 6. Widegren et al. teaches a wireless office system that is integrated into both a private telephony network (PTN) and a public land mobile network (PLMN) (e.g., a public cellular system). The PTN provides wireless service to a plurality of corporate mobile terminal (CMT), which appear as fixed extension telephones (FT) to the PTN. The wireless office system also includes a computer supported telephony (CST) function 406 (see Figure 4) that may be used to provide information to the PTN. The section cited in the Office Action teaches the CST function allows a user to forward his/her calls to voicemail or another FT. Therefore, the routing scheme concerns the routing of incoming calls and is associated with the recipient of the call, not the wireless device placing the call.

Widegren et al. does not implement an outgoing call queue. Further, Widegren et al. does not teach a call queue associated (by a call queue identifier) with the wireless device dialing the telephone numbers stored in the queue. Consequently, the reference lacks any teaching with respect to a queue dial function configured to direct the processor to send a call queue identifier to a server, the server being configured to use the call queue identifier to locate the associated outgoing call queue from among the plurality of outgoing call queues. Therefore, neither Caldwell, Widegren et al., nor a combination thereof will yield the invention of claims 8-9.

Rejection of Claim 11 based on Caldwell and Ahlberg et al.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Caldwell combined with U.S. Patent No. 5,600,704 to Ahlberg et al. Claim 11 depends from claim 6. The Ahlberg et al. reference teaches a routing list associated with the recipient, not the caller. Like Widegren et al., Ahlberg et al. teaches a system configured for call forwarding. When the caller places a call, the Ahlberg et al. system uses the list associated with the number called to forward the call to one or more telephones associated with the recipient (according to priorities assigned to the telephone numbers listed by the recipient). The Ahlberg et al. reference does not teach a call queue associated (by a call queue identifier) with the wireless device dialing the telephone numbers stored in the queue. Therefore, neither Ahlberg et al. nor Caldwell disclose a queue dial function configured to direct the processor to send a call queue identifier to a server, the server being configured to use the call queue identifier to locate the associated outgoing call queue from among the plurality of outgoing call queues. Consequently, the invention of claim 11 is not rendered obvious by Caldwell, Taylor et al., or a combination thereof.

Rejection of Claim 17 based on Caldwell and Humes

Claim 17 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Caldwell combined with U.S. Patent No. 6,721,577 issued to Humes. Claim 17 depends from claim 1. Humes does not disclose any of the elements of claim 1 discussed above as lacking from Caldwell. Specifically, the reference lacks any teaching with respect to a queue dial function configured to direct the processor to send a call queue identifier to a server, the server being configured to use the call queue identifier to locate the associated outgoing call queue from among the plurality of outgoing call queues. Instead, Humes discloses a linked list of telephone number stored in the memory of a mobile station 20. Therefore, neither Caldwell, Humes, nor a combination thereof will yield the invention of claim 17.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicants have made a good faith effort to place all claims in condition for allowance. If questions remain

regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8029.

Respectfully submitted,

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